

**BEFORE THE
BOARD OF PODIATRIC MEDICINE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Statement of Issues)
against:)**

File No: 1B-2009-199504

SERJIK NAZARIAN)

**_____
Applicant.)**

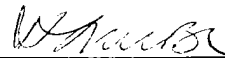
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision and Order by the Board of Podiatric Medicine, Department of Consumer Affairs, State of California.

This Decision shall become effective on February 4, 2010 and the license will only be issued and probation will commence upon completion of any remaining requirements for licensure.

DATED January 5, 2010

BOARD OF PODIATRIC MEDICINE



**Karen Wrubel, D.P.M.
President**

1 EDMUND G. BROWN JR.
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
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7
8 **BEFORE THE**
BOARD OF PODIATRIC MEDICINE
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Application for a
11 Certificate to Practice Podiatric Medicine by

12 SERJIK NAZARIAN

13 Applicant/Respondent.
14

Case No.: 1B-2009-199504

**STIPULATED SETTLEMENT AND
ORDER**

15 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
16 entitled proceedings that the following matters are true:

17 1. Complainant James Rathlesberger is the Executive Officer of the Board of Podiatric
18 Medicine ("Board"). He brought this action solely in his official capacity and is represented in
19 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Susan K.
20 Meadows, Deputy Attorney General.

21 2. Serjik Nazarian ("respondent") represents himself in this matter.

22 3. On or about November 10, 2008, respondent submitted to the Board of Podiatric
23 Medicine an Application for a Certificate to Practice Podiatric Medicine.

24 4. A Statement of Issues in case number 1B-2009-199504 was filed on September 3,
25 2009 before the Board of Podiatric Medicine and is currently pending against respondent. A copy
26 of this Statement of Issues is attached as Exhibit A and incorporated by reference in this
27 stipulation.
28

1 5. Respondent has carefully read the nature of the charges and allegations in the
2 Statement of Issues and the effects of this Stipulated Settlement.

3 6. Respondent is fully aware of his legal rights in this matter, including the right to a
4 hearing on the charges and allegations in the Statement of Issues, the right to be represented by
5 counsel at his own expense, the right to confront and cross-examine the witnesses against him, the
6 right to present evidence and to testify on his own behalf, the right to the issuance of subpoenas to
7 compel the attendance of witnesses and the production of documents, the right to reconsideration
8 and court review of an adverse decision, and all other rights accorded by the California
9 Administrative Procedure Act and other applicable laws.

10 7. Respondent voluntarily, knowingly and intelligently waives and gives up each and
11 every right set forth above.

12 8. For purposes of settlement of the action filed against respondent in Case No. 1B-
13 2009-199504 and to avoid a costly administrative hearing, respondent acknowledges that if this
14 matter were to go to hearing, the allegations set out in the Statement of Issues would be adopted
15 as findings, agrees that the Board has jurisdiction under sections 2222 and 2497(a) of the
16 Business and Professions Code to issue a probationary license, and agrees to the terms set forth in
17 the Order below.

18 9. This stipulation shall be subject to the approval of the Board. Respondent
19 understands and agrees that the Board's enforcement staff and counsel for complainant may
20 communicate directly with the Board regarding this stipulation and settlement, without notice to
21 or participation by respondent. If the Board fails to adopt this stipulation as its Order, the
22 Stipulated Settlement, except for this paragraph, shall be of no force or effect. The Stipulated
23 Settlement shall be inadmissible in any legal action between the parties and the Board shall not be
24 disqualified from further action by having considered this matter.

25 10. This Stipulation is not intended to preclude respondent from petitioning for reduction
26 of penalty, including early termination of probation, under the time frames set forth in Business
27 and Professions Code section 2307, or any other statute or regulation that may be applicable at the
28 time of any subsequent petition.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after the effective date of the Decision.

15. **PHYSICIAN ASSISTANTS** Prior to receiving assistance from a physician assistant, respondent must notify the supervising physician of the terms and conditions of his probation.

16. **OBEY ALL LAWS** Respondent shall obey all federal, state and local laws, all rules governing the practice of podiatric medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

17. **QUARTERLY DECLARATIONS** Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board stating whether there has been compliance with all the conditions of probation. Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

18. **PROBATION UNIT COMPLIANCE** Respondent shall comply with all requirements and requests of the Board's probation unit. Respondent shall, at all times, keep the Board informed of his business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record except as allowed by Business and Professions Code section 2021(b).

Respondent shall not engage in the practice of podiatric medicine in his place of residence. Respondent shall maintain a current and renewed California doctor of podiatric medicine license.

Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

19. **INTERVIEW WITH THE BOARD OR ITS DESIGNEE** Respondent shall be available upon request, with or without prior notice, at various intervals throughout the term of probation for in-person interviews with the Board or its designee, either at respondent's place of business or at the probation unit office.

1 20. **RESIDING OR PRACTICING OUT-OF-STATE** In the event respondent should
2 leave the State of California to reside or to practice, he shall notify the Board or its designee in
3 writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any
4 period of time exceeding thirty calendar days in which respondent is not engaging in any
5 activities defined in section 2472 of the Business and Professions Code.

6 All time spent in an intensive training program outside the State of California which has
7 been approved by the Board or its designee shall be considered as time spent in the practice of
8 podiatric medicine within the State. A Board-ordered suspension of practice shall not be
9 considered as a period of non-practice. Periods of temporary or permanent residence or practice
10 outside California will not apply to the reduction of the probationary term. Periods of temporary
11 or permanent residence or practice outside California will relieve respondent of the responsibility
12 to comply with the probationary terms and conditions with the exception of this condition and the
13 following terms and conditions of probation: Obey All Laws and Probation Unit Compliance.

14 Respondent's license shall be automatically cancelled if his periods of temporary or
15 permanent residence or practice outside California totals two years. However, respondent's
16 license shall not be cancelled as long as he is residing and practicing podiatric medicine in
17 another state of the United States and is on active probation with the medical licensing authority
18 of that state, in which case the two year period shall begin on the date probation is completed or
19 terminated in that state.

20 21. **FAILURE TO PRACTICE PODIATRIC MEDICINE –**
21 **CALIFORNIA RESIDENT** In the event respondent resides in the State of California and for
22 any reason respondent stops practicing podiatric medicine in California, he shall notify the Board
23 or its designee in writing 30 calendar days prior to the dates of non-practice and return to practice.
24 Any period of non-practice within California, as defined in this condition, will not apply to the
25 reduction of the probationary term and does not relieve respondent of the responsibility to comply
26 with the terms and conditions of probation. Non-practice is defined as any period of time
27 exceeding thirty calendar days in which respondent is not engaging in any activities defined in
28 section 2472 of the Business and Professions Code.

1 All time spent in an intensive training program which has been approved by the Board or its
2 designee shall be considered time spent in the practice of podiatric medicine. For purposes of this
3 condition, non-practice due to a Board-ordered suspension or in compliance with any other
4 condition of probation, shall not be considered a period of non-practice.

5 Respondent's license shall be automatically cancelled if he resides in California and, for a
6 total of two years, fails to engage in California in any of the activities described in Business and
7 Professions Code section 2472.

8 22. **COMPLETION OF PROBATION** Respondent shall comply with all financial
9 obligations (e.g., probation costs) not later than 120 calendar days prior to the completion of
10 probation. Upon successful completion of probation, respondent's certificate shall be fully
11 restored.

12 23. **VIOLATION OF PROBATION** Failure to fully comply with any term or condition
13 of probation is a violation of probation. If respondent violates probation in any respect, the
14 Board, after giving respondent notice and the opportunity to be heard, may revoke probation and
15 carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation
16 or an Interim Suspension Order is filed against respondent during probation, the Board shall have
17 continuing jurisdiction until the matter is final and the period of probation shall be extended until
18 the matter is final.

19 24. **LICENSE SURRENDER** Following the effective date of this decision, if
20 respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
21 the terms and conditions of probation, he may request to voluntarily surrender his certificate to
22 the Board. The Board reserves the right to evaluate respondent's request and to exercise its
23 discretion whether or not to grant the request, or to take any other action deemed appropriate and
24 reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall
25 within 15 calendar days deliver his wallet and wall certificates to the Board or its designee and
26 shall no longer practice podiatric medicine. Respondent will no longer be subject to the terms
27 and conditions of probation and the surrender of his certificate shall be deemed disciplinary
28

action. If respondent reapplies for a podiatric medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

25. **PROBATION MONITORING COSTS** Each and every year of probation, respondent shall pay the costs associated with probation monitoring, as designated by the Board. The costs may be adjusted on an annual basis. Such costs shall be payable to the Board of Podiatric Medicine and delivered to the Board or its designee within 60 days after the start of the new fiscal year. Failure to pay costs within 30 calendar days of this date is a violation of probation.

26. **NOTICE TO EMPLOYEES** Respondent shall, upon or before the effective date of this Decision, post or circulate to all employees involved in his practice a copy of the Accusation and Decision in this matter. Respondent shall have his employees acknowledge to the Board in writing, within fifteen (15) days of the effective date of this Decision, that they have read the Accusation and Decision in the case and understand respondent's terms and conditions of probation.

27. **CHANGES OF EMPLOYMENT** Respondent shall notify the Board in writing, through his assigned probation officer, of any and all changes of employment, location, and address within thirty (30) days of such change.

28. COMPLIANCE WITH REQUIRED CONTINUING MEDICAL EDUCATION

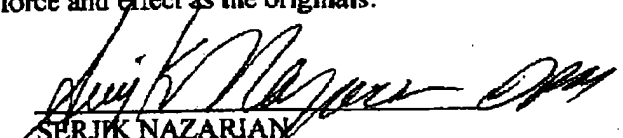
Respondent shall submit satisfactory proof biennially to the Board of compliance with the requirement to complete fifty hours of approved continuing medical education and meet continuing competence requirements for re-licensure during each two (2) year renewal period.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and have fully discussed the terms and conditions and other matters contained in it, and I understand that by entering this stipulation I have agreed to accept a probationary podiatric medicine certificate and the effect of the Stipulated Settlement on that certificate. I enter into this Stipulated Settlement voluntarily, knowingly and intelligently and agree to be bound by the Order and Decision of the Board of Podiatric Medicine.

1 I further agree that a facsimile copy of this Stipulated Settlement, including facsimile copies of
2 signatures, may be used with the same force and effect as the originals.

3 DATED: 11/13/09

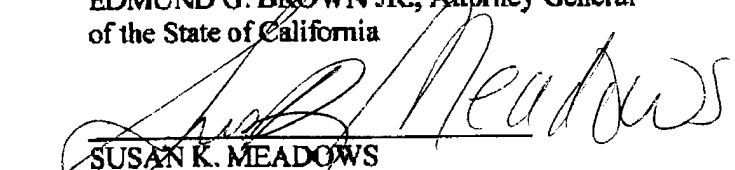

SERJIK NAZARIAN
Applicant/Respondent

6 **ENDORSEMENT**

7 I respectfully submit the foregoing Stipulated Settlement for consideration by the Board of
8 Podiatric Medicine of the Department of Consumer Affairs.

9 DATED: 11-16-09

10 EDMUND G. BROWN JR., Attorney General
11 of the State of California


12 SUSAN K. MEADOWS
13 Deputy Attorney General
14 Attorneys for Complainant

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EXHIBIT A

1 EDMUND G. BROWN JR.
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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO September 3, 20 09
BY Valerie Mon ANALYST

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8 **BEFORE THE**
9 **BOARD OF PODIATRIC MEDICINE**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Application for a
13 Certificate to Practice Podiatric Medicine by

Case No.: 1B-2009-199504

STATEMENT OF ISSUES

12 SERJIK NAZARIAN
13 401 South Calvary Way, Suite A
14 Cottonwood, AZ 86326

Applicant/Respondent.

16
17 Complainant alleges:

PARTIES

18
19 1. Complainant, James H. Rathlesberger, is the Executive Officer of the Board of
20 Podiatric Medicine of the State of California ("Board") and brings this Statement of Issues solely
21 in his official capacity.

22 2. On or about November 10, 2008, under penalty of perjury, Serjik Nazarian,
23 applicant/respondent, ("respondent") submitted to the Board of Podiatric Medicine an Application
24 for a Certificate to Practice Podiatric Medicine ("Application").

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Board, Department of Consumer
27 Affairs, under the authority of the following laws. All section references are to the Business and
28 Professions Code unless otherwise indicated.

1 4. Section 475 of the Code states, in pertinent part:

2 “(a) Notwithstanding any other provisions of this code, the provisions of this
3 division shall govern the denial of licenses on the grounds of:

4 “(1) Knowingly making a false statement of material fact, or knowingly omitting
5 to state a material fact, in an application for a license.

6 “

7 “(3) Commission of any act involving dishonesty, fraud or deceit with the intent
8 to substantially benefit himself or another, or substantially injure another.

9 “(4) Commission of any act which, if done by a licentiate of the business or
10 profession in question, would be grounds for suspension or revocation of license.”

11 5. Section 480 states, in pertinent part, that:

12 “(a) A board may deny a license regulated by this code on the grounds that the
13 applicant has one of the following:

14 “

15 “(2) Done any act involving dishonesty, fraud or deceit with the intent to
16 substantially benefit himself or another, or substantially injure another; or

17 “(3) Done any act which if done by a licentiate of the business or profession in
18 question, would be grounds for suspension or revocation of license.

19 “The board may deny a license pursuant to this subdivision only if the crime or act
20 is substantially related to the qualifications, functions or duties of the business or
21 profession for which application is made.

22 “

23 “(c) A board may deny a license regulated by this code on the ground that the
24 applicant knowingly made a false statement of fact required to be revealed in the
25 application for such license.”

26 //

27 //

1 6. Section 2497(a) of the Code provides that

2 “[t]he board may order the denial of an application for, or the suspension of, or the
3 revocation of, or the imposition of probationary conditions upon, a certificate to practice
4 podiatric medicine for any of the causes set forth in Article 12 (commencing with Section
5 2220) in accordance with Section 2222.”

6 7. Section 2221 of the Code states, in pertinent part:

7 (a) The Board may deny a physician’s and surgeon’s certificate to an applicant
8 guilty of unprofessional conduct or of any cause that would subject a licensee to
9 revocation or suspension of his or her license . . .”

10 8. Section 2261 of the Code provides:

11 “Knowingly making or signing any certificate or other document directly or
12 indirectly related to the practice of medicine or podiatry which falsely represents the
13 existence or nonexistence of a state of facts, constitutes unprofessional conduct.

14 9. Section 2222 of the Business and Professions Code provides that

15 “the California Board of Podiatric Medicine may order the denial of an application
16 or issue a certificate subject to conditions as set forth in Section 2221 . . . as granted by
17 this chapter and in conjunction with the administrative hearing procedures established
18 pursuant to Sections 11371, 11372, 11373, and 11529 of the Government Code. For these
19 purposes, the California Board of Podiatric Medicine shall exercise the powers granted
20 and be governed by the procedures set forth in this chapter [chapter 5 of division 2 of the
21 Business and Professions Code].”

22 10. Section 2234 of the code provides, in pertinent part, that the board “shall take
23 action against any licensee who is charged with unprofessional conduct. In addition to other
24 provisions of this article, unprofessional conduct includes, but is not limited to, the following:

25 “

26 “(e) The commission of any act involving dishonesty or corruption which is
27 substantially related to the qualifications, functions, or duties of a physician and surgeon.

28 “”

1 FACTS

2 11. On or about February 1, 2002, respondent submitted an initial application to the
3 Board, however, the application was incomplete and he did not obtain a license. On November
4 10, 2008, respondent submitted another application. When he completed his November 10, 2008
5 application, ("Application") he answered "No" to Question 16 which asked: "Has any
6 disciplinary action ever been taken regarding any healing arts license which you now hold or have
7 ever held?" Respondent was asked to include any disciplinary actions by the U.S. Military, U.S.
8 Public Health Service or other U. S. federal government entity. In fact, the Arizona Board of
9 Podiatry Examiners in Case No. 07-32-B, took disciplinary action against respondent's Arizona
10 podiatric medicine license on March 12, 2008, and respondent was placed on probation for one
11 year with terms and conditions.

12 FIRST CAUSE FOR DENIAL OF APPLICATION

13 (Making a False Statement and/or Dishonesty)

14 12. Respondent's Application is subject to denial under sections 475, subdivision
15 (a)(1) and 480, subdivision (c) of the Code [knowingly making a false statement of fact or
16 omitting a material fact required to be revealed in the application for license]; and/or sections
17 475, subdivision (a)(3) and 480, subdivision (a)(2) of the Code [any act involving dishonesty,
18 fraud or deceit with the intent to substantially benefit himself]; and/or sections 475, subdivision
19 (a)(4) and 480, subdivision (a)(3) [commission of any act which would be grounds for suspension
20 or revocation if done by a licentiate]; and/or section 2261 [knowingly making or signing any
21 certificate or other document directly or indirectly related to the practice of medicine which
22 falsely represents the existence or nonexistence of a state of facts]; and/or section 2221,
23 subdivision (a), by and through section 2234, subdivision (e) [denial of a license for
24 unprofessional conduct for commission of an act involving dishonesty or corruption] in that
25 applicant was not truthful in his responses to Question 16 on his Application and he failed to
26 disclose material information in his Application while certifying under penalty of perjury to the
27 truthfulness of all statements, answers, and representations in the Application. Respondent failed
28 to disclose under penalty of perjury that he had been disciplined by the Arizona Board of Podiatry

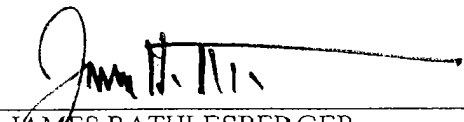
1 Examiners and that he was currently on probation when he signed his Application under penalty
2 of perjury.

3 PRAYER

4 WHEREFORE, complainant requests that a hearing be held on the matters alleged above,
5 and that following the hearing, the board issue a decision:

- 6 1. Denying respondent's application for a certificate to practice podiatric medicine;
7 and
8 2. Taking such other and further action as the Board deems necessary and proper.

9 DATED: September 3, 2009

10 
11 JAMES RATHLESBERGER
12 Executive Officer
13 Board of Podiatric Medicine
14 Department of Consumer Affairs
15 State of California
16 Complainant

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